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GOI Invites Comments on Draft Alcoholic Beverages Regulations

Report Categories:

Beverages
Exporter Guide
FAIRS Subject Report
Sanitary/Phytosanitary/Food Safety
Trade Policy Monitoring

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Report Highlights:

On July 5, 2019, the Government of India's (GOI) Food Safety and Standards Authority of India (FSSAI) published its draft 2019 Food Safety and Standards (Alcoholic Beverages) Amendment Regulations on its website. The draft regulations detail the standards for "low alcoholic beverages other than wine and beer," geographical indications, and select labelling requirements, among other requirements for alcohol beverage imports.

General Information:

DISCLAIMER: The information contained in this report was retrieved from FSSAI's website <http://www.fssai.gov.in/>. The Office of Agricultural Affairs, USDA and/or the U.S. Government make no claim of accuracy or authenticity.

On July 5, 2019, the GOI's FSSAI published its draft 2019 Food Safety and Standards (Alcoholic Beverages) Amendment Regulations on its website. The draft regulations detail the requirements for low alcoholic beverages other than wine and beer, geographical indications, and select labelling requirements. The draft amendment was notified to the World Trade Organization's (WTO) Technical Barriers to Trade (TBT) Committee on July 22, 2019 and WTO Sanitary and Phytosanitary Measures (SPS) Committee on July 26, 2019. FSSAI has invited comments from WTO members on its draft regulations for a period of sixty days from the date of the notification on WTO website, after which the notification will go into effect for final approval and implementation. Thus, the deadline for comments on the TBT notification is September 24, 2019, and the deadline for comments on the SPS notification is September 20, 2019.

Comments, within 60 days from the date of notification on the WTO website, should be sent to:

Mr. P. Karthikeyan

Deputy Director

SPS Enquiry Point Food Safety and Standards Authority of India (FSSAI)

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Website: <http://www.fssai.gov.in/>

Details of Notification:

- Date of Publication on FSSAI website: July 5, 2018 - [Draft Food Safety and Standards \(Alcoholic Beverages\) Amendment Regulations, 2019](#)
- Date of Publication on WTO website:
 - [July 22, 2019 – G/SPS/N/IND/240](#)
 - [July 26, 2019 - G/TBT/N/IND/104](#)
- Final date for comments from WTO members: 60 days from the date notified on WTO website:
 - [September 20, 2019 for - G/SPS/N/IND/240](#)
 - [September 24, 2019 for - G/TBT/N/IND/104](#)

Agency in Charge: Food Safety and Standards Authority of India, Ministry of Health and Family Welfare, GOI.

Products affected: Alcohol Beverages

For more details, please refer to the following GAIN report [IN9032 - Implementation of Alcoholic Beverages Regulations 2018](#)

MINISTRY OF HEALTH AND FAMILY WELFARE

(Food Safety and Standards Authority of India)

NOTIFICATION

New Delhi, the 5th July, 2019

F. No. Stds/SP(water and Beverages)/Notification(1)/FSSAI-2019.—The following draft of certain regulations further to amend the Food Safety and Standards (Alcoholic Beverages) Regulations, 2018, which the Food Safety and Standards Authority of India, with the previous approval of the Central Government, proposes to make, in exercise of powers conferred by clause (v) of sub-section (2) of section 92 of the Food Safety and Standards Act, 2006, (34 of 2006) is hereby published as required by sub-section (1) of section 92 of the said Act, for the information of persons likely to be affected thereby and notice is hereby given that the said draft regulations will be taken into consideration after the expiry of a period of thirty days from the date on which copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to the Chief Executive Officer, Food Safety and Standards Authority of India, Food and Drug Administration Bhawan, Kotla Road, New Delhi – 110002, or may be sent through e-mail at regulation@fssai.gov.in;

The objections or suggestions which may be received from any person with respect to said draft regulations, before the expiry of the period so specified above, will be considered by the Food Authority.

Draft regulations

1. These regulations may be called the Food Safety and Standards (Alcoholic Beverages) Amendment Regulations, 2019.
2. In the Food Safety and Standards (Alcoholic Beverages) Regulations, 2018, -
 - (1). In part-1, in regulation 1.3,-
 - (a) for sub-regulation 1.3.2, the following shall be substituted, namely, -

“1.3.2 The tolerance limit for ethyl alcohol content shall be ± 0.3 per cent (-0.5 percent for upto 90 ml pet bottle) for up to 20 per cent, and ± 1.0 per cent (-1.5 per cent for up to 90 ml pet bottle) for more than 20 per cent abv of the declared strength. In case of wine the tolerance limit shall be ± 0.5 .”
 - (b) for sub-regulation 1.3.9, for the words and figures “Alcoholic beverage containing not more than 8.0 per cent. abv may be called as low alcoholic beverage, and shall conform to the requirements of table 1 except for residue on evaporation.” The following shall be substituted, namely, -

“Alcoholic beverage containing not more than 8.0per cent. abv may be called as low alcoholic beverage. Low Alcoholic beverages, other than wine and beer shall conform to the requirements of Table-4.”
 - (2). in Part-2,-
 - (i) in regulation 2.1,-
 - (a) in 2.1.1, in para ‘1’ , after the words “formed during fermentation”, the following shall be inserted, namely, -

“and aging”
 - (b) in 2.1.1, in para ‘2’ after the words “the word ‘Brandy’ ”, the following shall be inserted, namely, -

“(example Apple Brandy, Plum Brandy)”
 - (c) after sub-regulation 2.1.2, the following shall be inserted, namely, -

“ 2.1.3 Indian Brandy: Indian brandy shall be made either from neutral spirit or rectified spirit or a mixture of both. On the label, the name ‘Indian Brandy’ shall be followed by a statement under bracket as ‘made from molasses spirit’ with a font size that is easily readable. The font size of the words ‘Indian’ and ‘Brandy’ shall be same.”
 - (ii) in regulation 2.2,-
 - (a) in sub-regulation 2.2.1, for the word “Gur”, the following shall be substituted, namely, -

“Gur”

- (b) in sub-regulation 2.2.1, for the word “mahua”, the following shall be substituted, namely, -
 “mahua”
- (iii) in regulation 2.8, in sub-regulation 2.8.1, for clause (i) the following shall be substituted, namely, -
 “(i) Single malt or Single grain whisky: Single malt or Single grain whisky is a distillate obtained from fermented mash that uses one particular malted barley or malted grain, respectively, distilled in pot still only, and produced in a single distillery.”
- (3). in Part-3,
- (i) in regulation 3.1,
- (a) in sub-regulation 3.1.1, for the words “Table or grape wine may be of the following types”, the following shall be substituted, namely, -
 “ Table wine may be of following types.”
- (b) in sub-regulation 3.1.1, in clause 3.1.1.2, for item (i), the following shall be substituted, namely, -
 “(i) Dry wine: Dry wine is a wine that contains upto 0.9 per cent. sugar.”
- (c) in sub-regulation 3.1.2, for clause 3.1.2.2, the following shall be substituted, namely, -
 “3.1.2.2 Sparkling : Sparkling wine has a carbon dioxide content of minimum 7.0 g/l or 3.5 bar pressure at 20°C resulting solely from either the primary or the secondary fermentation of the wine within a closed container, tank or bottle. Based on the sugar content the sparkling wines maybe of the following types:
 i) Brut : It has sugar content below 1.2 per cent.
 ii) Extra-Dry : It contains more than 1.2 up to 1.7 per cent. sugar with a tolerance of 0.3 per cent.
 iii) Dry : It contains more than 1.7 up to 3.2 per cent. sugar with a tolerance of 0.3 per cent.
 iv) Semi-Dry : It is a wine which contains more than 3.2 up to 5.0 per cent. sugar.
 v) Sweet : It contains more than 5.0 per cent. sugar”
- (d) for sub-regulation 3.1.3, the following shall be substituted, namely, -
 “**3.1.3 Fortified wine:** Fortified wine is a wine with high alcohol content achieved by the addition of alcohol (brandy or wine spirits or neutral spirit of agricultural origin) provided a minimum 7 .0 per cent comes from fermentation of grapes, grape must and fruits and used as aperitif or dessert wine. Fortified wine may be red or white, dry or sweet.
 Fortified wines are of following types:
3.1.3.1 Sherry: is commonly a white wine fermented to dryness followed by the addition of alcohol (brandy or wine spirits) to stabilize during maturation in contact with air.
3.1.3.2 Port wines: Port (protected under Geographical Indicator) is a fortified wine in which fermentation is stopped at 4-6 % abv by filtration and fortification with alcohol (brandy or wine spirits).
3.1.3.3 Aromatized wine: Aromatized wine is a fortified wine to which alcohol (brandy or wine spirits) and extract of aromatic herbs and or spices are added. The aromatized wines are of the following types:
 (i) Vermouth: Vermouth is a wine having the taste, aroma and characteristics derived from the addition of extract of herbs and spices, attributed to vermouth, and shall be so designated.
 (ii) Bitter aromatized wine: is an aromatized wine with a characteristic bitter taste.
 (iii) Dessert wine: Dessert wine is generally sweet and fortified with grape brandy.
- (e) in sub-regulation 3.1.4, after the words “wine produced from fruit other than grapes”, the following shall be inserted, namely, -
 “(should be prefixed with the name of the fruit. Example wine such as plum wine, apricot wine, pear wine)”

- (f) in sub-regulation 3.1.4, item 3.1.4.3 shall be omitted.
- (g) in sub-regulation 3.1.5, for clause 3.1.5.1 the following shall be substituted, namely, -
“3.1.5.1 Palm wine/Toddy: Palm wine/Toddy is a wine prepared from sap of palm trees and coconut palms.”
- (ii) in regulation 3.2, for clause (iii), the following shall be substituted, namely, -
“(iii) Water added in preparation of wine shall not be more than 70 ml per kg of grape or fruit:
(a) necessary to incorporate any permitted additive and processing aid
(b) necessary to facilitate fermentation; or
(c) incidental to the winemaking process.
Incidental water is intended to cover small amounts of water which may be present from production processes such as residual water remaining in tanks and pipes after washing and cleaning and hosing out bins to force the last of the grapes into the crushers, where the water used is the minimum needed to perform the technological purpose (i.e. using good manufacturing practices). Water is also permitted to include the addition of permitted processing aids and food additives added as an aqueous solution. The sub-clause 3.2 (iii) does not contain an express permission for water added to dilute high sugar musts to limit the occurrence of "stuck" fermentations.”
- (4) in Part-5,-
(a) in regulation 5.1, the following sub-regulation shall be inserted, namely, -
“5.1.1 The Pot distilled alcohol shall be labelled as ‘Pot- Still/Pot -Still Distilled/Pot- Distilled’ on the package.”
(b) for the regulation 5.3, the following regulation shall be substituted, namely, -
“5.3 Geographical indicators (GI) or names may be used on the label solely for the products originating from that geographical region.
Such products shall be registered under the Geographical Indications of Goods (Registration and Protection) Act, 1999 and meet the country specific regulations for such GI products of the country of origin.
Further, such products shall conform to the limits of heavy metals and microbiological requirements as specified under these regulations and other regulations notified under the Act.”
(c) in the regulation 5.9, in sub-regulation 5.9.1, for the clause (i), the following shall be substituted, namely,—
“(i) Indicate the origin (country or state) of wine and declare the range of sugar as specified under these regulations.”
(d) in regulation 5.12, for the words and figures “Size of statutory warning shall not be less than 3 mm.” The following shall be substituted, namely, -
“Size of statutory warning shall not be less than 1.5 mm for pack size of upto 200ml and for pack size above 200 ml, size of the warning shall not be less than 3 mm.”
- (5) in TABLE-1, in serial no. 5, in column (2), for the words and figures “expressed as g/100 l of distilled absolute alcohol”, the following shall be substituted, namely, -
“expressed as g/100 l of absolute alcohol”
- (6) in TABLE-2, in the column (3) and (4), in the heading, for the words “Table or Grape Wine”, the following shall be substituted, namely, -
“Table Wine”
- (7) after TABLE-3, the following Table shall be inserted, namely, -

"TABLE-4

[See sub-regulation 1.3.9]

Requirements for Low Alcoholic Beverages other than wine and beer

S.No. (1)	Characteristics (2)	Requirements (3)
1.	Ethyl alcohol content at 20 degree C, per cent by volume	0.5 to 8.0
2.	Residue on evaporation, per cent. (g/liter), Max.	25.0
3.	Total acids as tartaric acid, per cent. (m/v), Max.	1.0
4.	Methyl alcohol(expressed in terms of g/100 l of absolute alcohol),Max.	25.0
5.	Sugar, per cent. (w/v), Max.	20.0
6.	pH	2.0 to 5.0
7.	Copper (mg/l), Max.	1.0
8.	Iron (as Fe) mg/l, Max.	5.0
9.	Lead (mg/l), Max.	0.2
10.	Arsenic (mg/l), Max.	0.25
11.	Cadmium (mg/l), Max.	0.1 "

PAWAN AGARWAL, Chief Executive Officer

[ADVT.-III/4/Exty./132/19]

Note : The principal regulation were published in the Gazette of India, Extraordinary Part III, Section 4, *vide* notification number F. No. 2/SA-24/2009(1)/FSSAI, dated 19th March, 2018.